

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY AND INTESTATE JURISDICTION

MISCELLANEOUS PETITION NO.18 OF 2002

IN

MISCELLANEOUS PETITION NO.736 OF 1998

1. Kumari Vaishali Mahadev Satav & others. ...Petitioners.

vs.

1. Smt.Rukmabai Mahadev Satav. ...Respondent.

Mr.A.P.Rege, for Petitioners.

Ms.Sanjivani Jadhav i/b. Mr.O.P.Pandya, for Respondent.

CORAM: D.K.DESHMUKH,J.

DATED: 7th July, 2006.

P.C.:-

1. This petition has been filed for revocation of letter of administration that has been granted by the Court in favour of the respondent in respect of the properties of late Mahadeo Sakharam Satav in Petition no.736 of 1998. The case of the petitioners is that they are the daughters of deceased Mahadev Sakharam Satav. In support of their claim that they are daughters of the deceased Mahadev Satav, they have produced their birth certificates, school leaving certificates. The respondent in whose favour the letter of administration has been granted is the widow of the deceased Mahadeo. It

transpires that the mother of the petitioner is by name Ratnamala. She claims to have been married to Mahadev. But even assuming that there is marriage between Mahadev and Ratnamala, it was during the subsistence of the marriage between Mahadev and Rukmabai, and therefore, the marriage would not be valid but any children born out of that marriage, will be entitled to inherit the property of their father Mahadev.

2. In the affidavit filed on behalf Smt.Rukmabai it is denied that the petitioners are the daughters of the deceased Mahadev and it is claimed that the petitioners have not produced any documents to show that Mr.Mahadev was their father. The petitioners have produced the birth certificates and the school leaving certificates which documents have presumptive value. Those documents show that the name of the petitioners' father is shown as Mr.Mahadev Satav. The respondent has not led any evidence to show that these documents are unreliable. As the documents have presumptive value as they have been issued by the concerned authorities in regular course of business, I have to rely on those documents. Admitted position is that the petitioners were not cited as the heirs of the deceased Mahadev in the petition filed for letter of administration. In this view of the matter therefore, the letter of administration granted in favour of the respondent Smt.Rukmabai will have to be revoked. The petition is therefore, granted in terms of prayer clause (a). The petition is disposed of.